

SUPREME COURT CASE LAW: SELECTION OF CAPITAL JURIES

Witherspoon v. Illinois, 391 U.S. 510 (1968)

In this case, the defendant was on trial for capital murder. Under Illinois law at this time, having “conscientious scruples” about the death penalty was grounds for removing a juror for cause during voir dire. The presiding trial judge strictly enforced this law, and, even made the following comment during the opening of voir dire: “Let’s get these conscientious objectors out of the way, without wasting any time on them.” A jury without any persons with “conscientious scruples” to the death penalty was empaneled and found the defendant guilty of capital murder. The same jury sentenced the defendant to death. On appeal, the defendant argued that excluding persons with “conscientious scruples” to the death penalty without inquiring as to whether or not they could follow the law (i.e., vote for death) if required to resulted in a jury that was biased in favor of the death penalty, and, thus, violated the defendant’s Sixth Amendment right to an impartial jury. The Supreme Court agreed, stating that: 1) mere “conscientious scruples” to the death penalty was not a sufficient reason to exclude individuals from a capital jury without 2) inquiring as to whether or not a person would be able to overcome these scruples and apply the law (i.e., vote for death) if so required. Only if the court could show with “unmistakable clarity” that a potential juror would be biased could the juror be removed.

Adams v. Texas, 448 U.S. 38 (1980)

The facts of this case are similar to those in *Witherspoon*, except that the Texas statute at issue required potential jurors to take an oath swearing that they would not be “affected” by either having to impose the death penalty or life imprisonment if a capital defendant was found guilty. After being convicted of capital murder and sentenced to death by a jury, the defendant, Adams, appealed, arguing that three jurors who said they would be “affected” by such as decision were excused. The Supreme Court agreed with Adams and stated that since it was never determined that the excluded jurors were “irrevocably opposed” to capital punishment, their exclusion violated Adam’s right to an impartial jury.

Wainwright v. Witt, 496 U.S. 412 (1985)

The defendant, Witt, argued that the exclusion of a juror who said that he was “afraid” that his beliefs about capital punishment would interfere with his being able to adequately perform his duties as a juror in a capital case violated the Sixth Amendment. Witt’s defense counsel did not object to this exclusion. When the case came before the Supreme Court, the Court held that no longer would courts be required to show beyond “unmistakably clarity” that potential jurors would be biased because of their views on the death penalty. Instead, the Court would simply require trial courts to determine if the juror’s beliefs in this matter would “prevent or substantially impair the performance of his duties as a juror in accordance with the

instructions of his oath.” If the answer is “yes,” the juror could be legitimately excused. Thus, applying this rule to the facts of this case, the Court concluded that the removed juror would have been “substantially impaired” by his beliefs, and, thus, the trial court was justified in removing him for cause.

Morgan v. Illinois, 504 U.S. 719 (1992)

In this case, the defendant, Morgan, appealed his capital conviction, arguing that the judge’s refusal to ask potential jurors whether, if they found him guilty, they would automatically impose the death penalty (known as a “reverse-Witherspoon” question), violated his Sixth Amendment right to an impartial jury. The Supreme Court agreed with Morgan when it held in *Witherspoon* and related cases that the state may inquire into potential jurors’ views about capital punishment so as to ensure that they are not completely opposed to the death penalty. The Court also held that the defendant must be able to inquire as to whether or not potential jurors would impose the death penalty in every situation in which the defendant was found guilty—without regard to the defendant’s background or the particular circumstances of a given case.